

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT HARRISONBURG, VA
FILED
January 24, 2025
LAURA A. AUSTIN, CLERK
BY: s/J. Vasquez
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JONATHAN LYNN PILKINS,)	
Plaintiff,)	Civil Action No. 7:24cv564
)	
v.)	OPINION and ORDER
)	
SOUTHWEST VIRGINIA REGIONAL)	By: Robert S. Ballou
JAIL AUTH.-TAZEWELL, et al.,)	United States District Judge
Defendants.)	

Plaintiff Jonathan Lynn Pilkins, proceeding *pro se*, has filed a civil rights action against several defendants, pursuant to 42 U.S.C. § 1983, alleging excessive use of force resulting in bodily injury. Defendant Southwest Virginia Regional Jail Authority—Tazewell (hereafter, SWVRJA) has filed a Motion to Dismiss SWVRJA from the case. ECF No. 15. I will grant the motion because the jail is not a proper party under § 1983.

Section 1983 provides a cause of action against a “person” who, acting under color of state law, violates the constitutional rights of another. 42 U.S.C. § 1983; *Loftus v. Bobzien*, 848 F.3d 278, 284–85 (4th Cir. 2017). Liability under § 1983 is “personal, based upon each defendant’s own constitutional violations.” *Trulock v. Freeh*, 275 F.3d 391, 402 (4th Cir. 2001). A proper claim requires factual details about a defendant’s personal involvement in the violation of a plaintiff’s rights. *Wilcox v. Brown*, 877 F.3d 161, 170 (4th Cir. 2017). A jail is not a person within the meaning of § 1983 and lacks the capacity to be sued. *McCoy v. Chesapeake Corr. Ctr.*, 788 F. Supp. 890, 893–94 (E.D. Va. 1992).

Therefore, SWVRJA is hereby **DISMISSED** as a defendant from this suit, and the action will proceed against the remaining named defendants.

Enter: January 23, 2025

/s/ Robert S. Ballou

Robert S. Ballou
United States District Judge